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## Limestone Mine Faces Closure

By Matthew Baker  
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A limestone mine in central Utah is in jeopardy of closing because its owner expanded mining activity beyond what was allowed by his permit.

The Utah Board of Oil, Gas and Mining on Wednesday revoked Dan Powell's small-mining license for his Cherry Hill Park Mine above Spanish Fork Canyon.

Powell, who is from Price, also had failed to pay a \$43,500 reclamation bond required for larger mines -- which, if Powell is unable to pay, would come out of the pockets of Utah taxpayers.

Powell obtained a small-mining permit in 1992 for the limestone quarry on private land, just off U.S. Highway 6 near Soldier Summit.

Powell sold limestone to Deseret Generation and Transmission power plant in Bonanza, a small town in Uintah County, he said.

Coal-burning power plants use limestone to reduce pollution, but the power plant now mines its own limestone under a permit from the Department of Natural Resources (DNR).

Small-mining permits allow mining as long as operations don't affect more than five acres.

Evidence presented to the board showed that in July 1994, two years after Powell began mining, he had exceeded the five-acre limit.

Although Powell broke the terms of his mining permit in 1994, he continued operations at the mine until March 1999, according to documents filed with the board. No mining has taken place since then at the quarry.

Powell and his company, Emery Industrial Resources Inc., grew to cover 19.7 acres, state regulators contend, which would have required a large-mining permit to continue operations. Powell, though, never received the adjusted permit because he failed to pay the bond.

Powell said he had never actually measured the site but he disagreed with the state's measurements. He estimated his mine has impacted only eight acres. Either way, the expansion exceeded the limits of the small-mining permit.

During Wednesday's four-hour hearing, Powell objected to nearly every motion. He objected to the credentials of every expert who was called to testify and at one point even questioned the court reporter's credentials.

Since 1994, when Powell first applied for the large-mining permit, he has been given numerous opportunities to post the \$43,500 bond or begin reclamation, state officials said. Now, if Powell does not post the bond or begin reclamation of the mine within 60 days, the board authorized the state to begin reclamation work and send Powell the bill.

If Powell goes out of business without posting the bond, the state would have to cover the reclamation costs.

Steve Alder, the state's attorney who presented the case to the board, said the mine should have been shut down and reclaimed years ago.

"Had things been done right it would have been shut down as soon as it exceeded five acres," Alder said. "The bottom line is you have to say 'operate properly or don't operate at all.'"

Powell said he would like to postpone reclamation because he still has plans for the mine. "I'd like to put it in production again," he said, although he added he doesn't have the money or credit to post the bond now.

"I'm going to make a very good-faith effort to get that done," Powell said. "I almost have to."

Reclamation required at the mine includes grading, covering the open-pit mine with topsoil and reseeding. These measures are necessary to prevent further erosion and to cut down on musk thistle and other plants the DNR classifies as noxious weeds.

"It was fair in a way that it gave me 60 days to get the reclamation bond in place," Powell said. "Other than that it wasn't a fair decision at all."

Powell also objected to the amount of the bond.

"There were no independent contractors contacted for the reclamation estimate," Powell said. "I'm sure that I could do the work much cheaper than that." Powell said reclamation would cost him one-third of the state's estimate.

Traditionally, the seven-member board, which is made up of representatives of the oil, gas and mining industries in Utah, has been friendly to miners, said Doug Jensen, who testified as an expert on mining reclamation at Powell's hearing.

"Their wish is to make the land useful again after it has been mined," Jensen said. "The last thing they want to do is shut someone down."



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